

ORDINANCE NO. 24-2017

**AMENDING CHAPTER 123 (RENTAL PERMITS) OF THE SPRINGDALE  
CODIFIED ORDINANCES AND DECLARING AN EMERGENCY**

WHEREAS, the City Council has previously adopted Chapter 123 of the Springdale Codified Ordinances providing for Single Family, Residential, Rental Dwelling Permits; and

WHEREAS, Council has determined it is in the best interest of the City to provide for certain amendments to Chapter 123.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Springdale Ohio,  
7 members elected thereto concurring:

Section 1. That Chapter 123 of the Springdale Codified Ordinances is hereby amended as set forth in Exhibit "A" attached hereto and incorporated herein by reference.


Section 2. That all other provisions of Section 123 not specifically amended herein shall remain in full force and effect.

Section 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and general welfare and shall be effective immediately upon its passage. The reason for said declaration of emergency is the need to adopt the amendments at the earliest possible date.

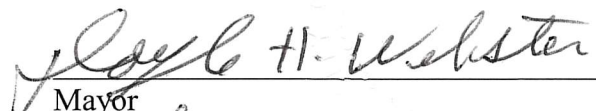
Passed this 7 day of June, 2017.

  
\_\_\_\_\_  
President of Council

Attest:

  
\_\_\_\_\_  
Clerk of Council/Finance Director

Approved:

  
\_\_\_\_\_  
Mayor  
Date June 7, 2017

ORDINANCE NO. 24-2017  
EXHIBIT "A"

**CHAPTER 123: RENTAL PERMITS**

123.01 Applicability

123.02 Permit period

123.03 Permit application

123.04 Inspection

123.05 Fees

123.06 Permit issuance

123.07 Appeal

123.08 Transfer of ownership

123.99 Penalty

**123.01 APPLICABILITY.**

No owner of single household residential property located within the city shall rent, or seek to rent, any dwelling or dwelling unit in such real property for any form of consideration unless he or she holds a valid conditional rental permit or rental permit issued by the Building Official in the name of the owner and for the specific dwelling or dwelling unit for rent. The term "owner" shall have the same meaning as defined in § 155.011.

**123.02 PERMIT PERIOD.**

(A) A rental permit shall be valid for a one-year period except as provided hereinafter. An owner shall be required to obtain a new rental permit at the expiration of the one year period. Except as provided hereinafter, a conditional rental permit shall be valid for the period specified in the conditional rental permit as set forth in § 123.06(B)(2) herein.

(B) If, during the time period specified above, the occupancy of the dwelling or dwelling unit for which the rental permit or conditional rental permit has been issued transfers from one tenant to another ("transfer of occupancy"), the issued rental permit or conditional rental permit shall expire and the owner shall be required to obtain a new rental permit or conditional rental permit. The owner shall have two weeks after the transfer of the occupancy of the dwelling or dwelling unit in which to apply for a new rental permit or conditional rental permit. If an owner fails to notify the office of the Building Official of a transfer of occupancy within two weeks, the rental permit or conditional rental permit for the dwelling or dwelling unit in which the occupancy has changed shall be deemed revoked and the owner shall be required to apply for a conditional rental permit or rental permit or be subject to the penalties contained in § 123.99 herein. A submitted application and payment of fees by an owner for the renewal of a rental permit or conditional rental permit shall operate as authority for the owner to rent the dwelling or dwelling unit for which the renewal application has been made, until such time as the office of the Building Official denies or issues a subsequent rental permit or conditional rental

permit. An owner will not be required to pay a fee for transfer of occupancy for a specific dwelling or dwelling unit if a prior rental permit has been issued for said dwelling or dwelling unit within the previous 180 days.

(C) Each dwelling or dwelling unit may be inspected for a new rental permit or conditional rental permit prior to a transfer of occupancy. A residential property will not be required to be inspected for a new rental permit or conditional rental permit upon a transfer of occupancy if the dwelling or dwelling unit has been inspected and approved for occupancy within the 180 days prior to the transfer of occupancy. Notwithstanding the foregoing, a dwelling or dwelling unit shall be required to be inspected if complaints about the condition of the dwelling or dwelling unit have been filed with the city by the occupants of the dwelling or dwelling unit during the preceding 60 days prior to the transfer of occupancy.

### **123.03 PERMIT APPLICATION.**

(A) An owner shall apply for rental permit or conditional rental permit by filing a written application on forms provided by the office of the Building Official. Such application form shall include, at a minimum, the name of the property owner, address and telephone number of the property owner, address of the property, and name and telephone number of the proposed tenant if known at the time of the application. If an owner fails to notify the office of the Building Official of the name and telephone number of the tenant within two weeks after the tenant takes occupancy of the dwelling or dwelling unit, the rental permit or conditional rental permit for the dwelling or dwelling unit shall be deemed revoked.

(B) The application for a rental permit or conditional rental permit shall be in affidavit form, and the owner shall be required therein to answer, to the best of his or her knowledge, all pertinent questions with respect to the conformance of the subject property to this chapter and to all other applicable ordinances, rules, and regulations related to the construction, condition and appearance of the dwelling or dwelling unit.

(C) Within two weeks of the effective date of this section, any owner currently renting or seeking to rent a dwelling or dwelling unit within the city must submit an application as required by this section. The initial rental permit or conditional rental permit shall be issued by the office of the Building Official as soon as feasible after the City chooses to conduct an on premises inspection and the office of the building official has determined that the dwelling or dwelling unit complies with the applicable provisions of this chapter.

### **123.04 INSPECTION.**

(A) Prior to issuing a rental permit or conditional rental permit, the office of the Building Official shall request an inspection of the dwelling or dwelling unit by the Building Official or his or her designee (except as provided under § 123.02(C) herein). If the property owner, after being given seven calendar days to voluntarily consent to a request to make the subject property available for inspection, refuses to provide such voluntary consent, the Building Official may seek an administrative search warrant for the

premises in order to complete the inspection, prior to the issuance of the permit. For the purposes of this administrative search warrant, probable cause in the criminal law sense is not required. Probable cause justifying the issuance of an administrative search warrant may be based not only on specific evidence of an existing violation, but also on a showing that reasonable legislative or administrative standards for conducting an inspection have been satisfied with respect to the particular property, including but not limited to the passage of time, the nature of the building, or the condition of the entire area.

(B) During an inspection, the Building Official shall inspect the dwelling or dwelling unit, including the interior and exterior of any attached or detached accessory structures such as sheds or garages, for compliance with all ordinances, rules and regulations applicable to the construction, condition and appearance of the subject property. If the building official determines, after inspection, that the property is in compliance with the applicable code sections, he or she shall certify the same and issue a rental permit.

#### **123.05 FEES.**

The owner shall pay an application fee as set forth herein. For any dwelling or dwelling unit, an owner shall pay an application fee of \$50.00. The application fee shall cover the cost incurred by the office of the Building Official in reviewing any application as well as the initial inspection which is authorized under § 123.04(B) herein and one re-inspection in the event that the Building Official and/or his or her designee finds violations of the rules, regulations and ordinances set forth in § 123.04(B) herein. Should the Building Official and/or his or her designee be required to make an additional inspection beyond the initial inspection and first re-inspection to determine compliance of any violations of the rules, regulations and ordinances set forth in § 123.04(B), the fees for any such additional inspection shall be \$50.00. This fee structure shall be reviewed yearly prior to the submittal of the city's annual budget and adjusted if necessary and appropriate.

#### **123.06 PERMIT ISSUANCE.**

(A) The Building Official or his or her designee shall issue a rental permit to an owner who:

- (1) Pays the application fee required in this section;
- (2) Files a written application in accordance with this chapter;
- (3) Secures the endorsements required by this section;
- (4) Complies with this chapter and the rules, regulations and ordinances applicable set forth in § 123.04(B) herein;
- (5) Demonstrates that he or she does not have any outstanding fees due and owing pursuant to this section and does not have any delinquent fines as the result of a conviction for the failure to comply with any chapter of the Springdale Codified Ordinances.

(B) (1) When an owner has applied for a rental permit, and upon inspection, the Building Official is unable to certify that the dwelling or dwelling unit for which a rental permit is sought conforms to the requirements of this chapter or the rules, regulations and ordinances, the office of the Building Official may, when the nonconformity in his or her opinion does not constitute an immediate threat or danger to the health, safety, or public welfare of the community or the inhabitants or potential inhabitants of the dwelling or dwelling unit, issue a conditional rental permit to the applicant. The office of the Building Official shall not grant a conditional rental permit if the dwelling or dwelling unit constitutes an immediate threat or danger to the health, safety or public welfare of the community or the inhabitants or potential inhabitants of the dwelling or dwelling unit. The denial of any such application shall be subject to the appeal procedure provided for in this chapter.

(2) A conditional permit shall set forth the reasons why the dwelling or dwelling unit does not conform to this chapter and the time allowed for the owner to secure conformity (which time shall not exceed 90 days). The office of the Building Official and/or his or her designee may give notice of its intent to revoke the conditional permit at any time if he or she determines that the continued nonconformity constitutes an immediate threat or danger to the health, safety, or public welfare of the community, or the inhabitants or potential inhabitants of the dwelling or dwelling unit, or he or she may extend the period for securing conformity, if, in his or her opinion, the continued nonconformity does not constitute a threat or danger, which extensions shall not exceed an additional 60 days ("extension period"). If the owner has not fulfilled the requirements under the conditional rental permit within the time specified in the conditional rental permit and/or the extension period, the conditional rental permit shall expire. If an owner fulfills the requirements under a conditional rental permit within the time specified, the owner shall be granted a rental permit which shall be valid for a one-year period from the date of application.

(C) Whenever, upon inspection of any dwelling or dwelling unit requiring a rental permit or conditional rental permit, the Building Official finds that conditions or practices exist which are in violation of any provision set forth in § 123.04(B) herein, the office of the Building Official shall give notice in writing to the owner of such violations. If the owner has not corrected the violations within 30 days of receiving notice from the office of the Building Official, the Building Official shall give written notice to the owner that the issued rental permit or conditional rental permit shall be revoked subject to the appeal process provided for in this chapter. The Building Official shall be authorized to extend the period for correcting violation if, in his or her opinion, there is just cause to do so.

#### **123.07 APPEAL.**

(A) Any decision by, or issue raised by action of, the Office of the Building Official under this chapter is subject to appeal to the Board of Housing, Building, and Fire Appeals by filing a written notice of appeal within 15 days after receipt of a written notice or letter by the Building Official of noncompliance or refusal to issue a permit. The Board of Housing, Building, and Fire Appeals shall provide the owner with written notice at least ten days prior to when it will review the decision of the Building Official, and such appeal hearing shall take place at a scheduled meeting of the Board within 30 days after receipt of the

written notice of appeal. The final decision of the Board shall be stayed for 30 days to allow the owner to seek judicial review.

(B) Upon the proper filing of a written notice of appeal pursuant to § 123.07(A) of this chapter, an administrative stay shall be issued such that no rental permit or conditional rental permit may be revoked until the conclusion of the appeal process provided for in § 123.07(A) of the chapter.

(C) An owner may seek judicial review of an adverse decision by the Board of Housing, Building, and Fire Appeals in the Hamilton County Court of Common Pleas pursuant to the provisions of R.C. Chapter 2506 governing administrative appeals.

#### **123.08 TRANSFER OF OWNERSHIP.**

A conditional rental permit or rental permit as provided in this section is transferable only by notification to the office of the Building Official. When an owner transfers his or her interest in or control of a dwelling or dwelling unit, he or she shall notify the office of the Building Official in writing within five days after the transfer. The notice shall include the name and address and telephone number of the person who has succeeded to his or her interest or control.

#### **123.99 PENALTY.**

An owner who rents or seeks to rent, any dwelling or dwelling unit for any form of consideration without a valid conditional rental permit or rental permit as provided herein shall be guilty of a misdemeanor of the fourth degree. Any owner who violates any provision of this chapter shall be guilty of a misdemeanor of the fourth degree. Each day of such violation shall be considered a separate violation. It shall not be a violation of the Chapter to refuse to give voluntary consent to a requested inspection.